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HOUSE BILL 399

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Thomas E. Swisstack

AN ACT

RELATING TO ARREST RECORDS; AUTHORIZING THE DEPARTMENT OF  
PUBLIC SAFETY TO CHARGE A FEE FOR CRIMINAL HISTORY BACKGROUND  
CHECKS; CREATING THE CRIMINAL HISTORY FUND; MAKING AN  
APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Arrest Record Information  
Act is enacted to read:

"[NEW MATERIAL] CRIMINAL HISTORY FEE.--The department of  
public safety may charge an administrative fee of up to forty  
dollars (\$40.00) to process criminal history background checks  
based on fingerprint-supported arrest record information  
maintained by the department of public safety and to provide  
access to the state's criminal history database."

Section 2. A new section of the Arrest Record Information

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1 Act is enacted to read:

2 "[NEW MATERIAL] CRIMINAL HISTORY FUND CREATED.--

3 A. The "criminal history fund" is created in the  
4 state treasury. Money received by the department of public  
5 safety pursuant to the Arrest Record Information Act shall be  
6 deposited in the fund. The fund shall be administered by the  
7 department of public safety and money in the fund is  
8 appropriated to the department of public safety for the  
9 administration of the Arrest Record Information Act.  
10 Expenditures from the fund shall be made by warrant of the  
11 secretary of finance and administration upon vouchers signed by  
12 the secretary of public safety or the secretary's authorized  
13 representative.

14 B. The state treasurer shall invest money in the  
15 criminal history fund as other state funds are invested, and  
16 all income derived from the fund shall be credited directly to  
17 the fund. Remaining balances at the end of a fiscal year shall  
18 remain in the criminal history fund and shall not revert to the  
19 general fund."

20 Section 3. EMERGENCY.--It is necessary for the public  
21 peace, health and safety that this act take effect immediately.

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